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JS-6

United States District Court
Central District of California

DEWEY DEMETRO, JR.,

Plaintiff,

v.

UNITED STATES,

Defendant.

Case № 2:24-cv-05519-ODW (RAOx)

**ORDER GRANTING MOTION TO
DISMISS [9]**

Presently before the Court is Defendant's Motion to Dismiss Plaintiff's Complaint. (Mot. Dismiss ("Motion" or "Mot."), ECF No. 9.) Because Plaintiff has not filed an opposition, the Court **GRANTS** the Motion.

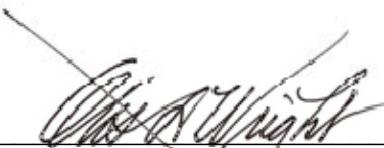
Central District of California Local Rule 7-9 requires an opposing party to file an opposition to any motion at least twenty-one (21) days prior to the date designated for hearing the motion. Additionally, Local Rule 7-12 provides that "[t]he failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion." *See Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995) (upholding district court's dismissal of plaintiff's complaint based on plaintiff's failure to oppose motion as required by local rules). Prior to dismissing an action pursuant to a local rule, courts must weigh: (1) the public interest in expeditious resolution of cases, (2) the court's need to manage its docket, (3) the risk

1 of prejudice to the defendants, (4) public policy favoring disposition of cases on the
2 merits, and (5) the availability of less drastic measures. *Id.* at 53 (quoting *Henderson*
3 v. *Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)). “Explicit findings with respect to
4 these factors are not required.” *Ismail v. County of Orange*, SACV 10-00901 VBF
5 (AJW), 2012 WL 12964893, at *1 (C.D. Cal. Nov. 7, 2012) (first citing *Henderson*,
6 779 F.2d at 1424; and then citing *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 129
7 (9th Cir. 1987), *cert. denied*, 488 U.S. 819 (1988)).

8 The Court has considered the *Ghazali* factors and is persuaded that granting the
9 Motion is appropriate. The hearing on Defendant’s Motion was set for August 12,
10 2024. Plaintiff’s opposition was therefore due by July 22, 2024. As of the date of this
11 Order, Plaintiff has not filed an opposition, or any other filing that could be construed
12 as a request for a continuance. Accordingly, the Court deems Plaintiff’s failure to
13 oppose as consent to granting the Motion to Dismiss, and therefore **GRANTS** the
14 Motion. (ECF No. 9.) Plaintiff’s Complaint is dismissed.
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16 **IT IS SO ORDERED.**
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18 August 8, 2024

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21 **OTIS D. WRIGHT, II**
22 **UNITED STATES DISTRICT JUDGE**
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